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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 5477/2007

Date of decision: 29th August, 2007

MAHESH CHAND SHARMA ..... Petitioner
Through Mr. Sudhir Kulshreshtha, Advocate.

versus

UOI & ORS ..... Respondent
Through Mr. Suresh Kait, Advocate for the Union of India.
Ms. Anjana Gosain, Advocate for the respondent No. 7.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in the Digest ?

O R D E R

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1. The writ petitioner claims that he is an Ex-Counsellor and devoted to the planned development of Agra City. He also claims that he is the founder President of the NGO called "Nav-Nirman Samiti Agra". The petitioner on the basis of the above antecedents has filed the present petition seeking the following reliefs:-

> "(i) issue an order, directions or writ in the nature of mandamus declaring the entrance examination of Regional Level Tourist Guide of North Region as null and void;
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> (ii) issue an order, directions or writ in the nature of mandamus declaring the licences issued to 190 persons as cancelled;
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> (iii) issue an order, directions or writ in the

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nature of prohibition prohibiting the respondents no. 1 to 6 from holding further entrance examination of Regional Level Tourist Guide in September, 2007;

(iv) further issue an order, directions or writ in the nature of prohibition prohibiting the respondents no. 1 to 6 from imparting the training to these illegally selected tourist guides;

(iv) issue an order or direction as this Hon'ble Court may deem fit and proper in the interest of justice."

2. The first question that strikes us at the threshold is the locus of the petitioner and the purpose and motive why the present petition has been filed. The petitioner herein questions the legality of an entrance examination for selection of Regional Level Tourist Guide for Northern Region. The written examination was conducted in 2005 and 190 guides were selected in August 2006. Remaining guides have been selected pursuant to the order passed by this Court in W.P. (C) No.11378/2006 and other connected cases. One of the prayers in the writ petition is that no further entrance examination for Regional Level Tourist Guide should be held, with a further prayer for a direction restraining the respondent Nos. 1 to 6 from holding further entrance examination in September, 2007. Explicitly, as we can see, the aforesaid prayers make the reason for filing this writ

petition. The petitioner wants that the existing tourist guides should have monopoly and should continue without any competition. It is apparent that this writ petition has been filed to protect the interest of the existing tourist guides as according to the submission of the learned counsel for the petitioner, no further guides are necessary in Agra and other places in northern India. Petitioner is not in the business of tourism nor he is a tourist guide and is in fact ventilating the grievance of some other persons by filing a proxy litigation. Such an attempt has to be depricated and handled sternly and strictly.

3. Learned counsel for the petitioner has vehemently submitted before us that there have been large scale corrupt practices in conducting the entrance examination of the Regional Level Tourist Guide. We may state, at this stage, that the aforesaid written examination was held in New Delhi wherein about 2500 candidates appeared. The said examination was held on 18th December, 2005 whereas the writ petition has been filed in 2007 for the alleged malpractice and corrupt practice in the said examination held in the year 2005.

4. Pursuant to the written examination held on 18th December, 2005, results were declared on 31st December, 2005 in which 311

candidates were selected for interview. The said 311 candidates were called for interview sometime in the month of July, 2006 and finally respondent Nos. 4-6 first selected 190 persons. 110 persons out of 300, were not selected. Subsequently, writ petitions were filed in this Court in which an order was passed that the persons who got between 40-46.5% marks should also be called for interview. Finally, results were declared by the respondent No. 3 on 16th July, 2007 wherein 364 candidates were selected including 110 persons, who had earlier not been selected.

5. In this writ petition, the petitioner is actually aggrieved as against the selection of 190 persons who were declared selected in August 2006. By relief (b) as prayed for in this writ petition, the petitioner has sought direction that the licence granted to 190 guides should be cancelled. Learned counsel for the petitioner submits that in the interview held very high marks were given. By this writ petition filed in the nature of Public Interest Litigation, the petitioner wants that we should exercise our appellate jurisdiction over the marks given in the interview. This Court would not sit as an appellate court in respect of the selection process, which is conducted by a statutory authority and to ascertain as to whether marks given by the interview board were excessive. In any case, the petition filed is not only bad

for inordinate delay and laches but the same is also not maintainable as the petitioner has no locus. We may mention here that examinations for selection of guides were held in 1986 and after a gap of ten years in 1996. It was only pursuant to the directions given in W.P.(C) No.4366/2001 dated 7th March, 2005 examination was held in 2005. Thus throughout obstacles and hindrances have been created to prevent new tourist guides from entering the profession.

6. In view of the aforesaid findings arrived at, we dismiss this writ petition and impose cost of Rs.20,000/- on the petitioner, which shall be recovered by the Central Government as if the same is arrears of land revenue. The Central Government shall see to it that the aforesaid amount is recovered from the petitioner and is deposited with the State Legal Aid Authority, Delhi.

CHIEF JUSTICE

SANJIV KHANNA, J.

AUGUST 29, 2007.
VKR/P